



10 JUN 2002

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In re Application of :
Ian G. Charles, et al. :
Application No.: 10/049,321 : DECISION ON
PCT No.: PCT/GB00/02924 :
Int. Filing Date: 28 July 2000 :
Priority Date: 30 July 1999 : PETITION UNDER
Attorney's Docket No.: HO-P02379US0 :
For: MICROENCAPSULATED NITRIC OXIDE :
SYNTHASE SOURCE : 37 CFR 1.137(b)

This is in response to "Petition to Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 C.F.R. §1.137(b)" filed on 11 February 2002.

BACKGROUND

On 28 July 2000, this international application was filed, which claimed an earliest priority date of 30 July 1999.

A Demand was filed on 22 January 2001 for the above international application. Accordingly, the deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 30 January 2002. This international application became abandoned with respect to the United States at midnight on 30 January 2002 for failure pay the basic national fee.

On 11 February 2002, applicant filed in the United States Patent and Trademark Office (PTO) the instant petition, and a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the U.S. basic national fee. Neither an executed declaration nor an oath was submitted at such time.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c)

of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.



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